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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180462
Party	Plaintiff CALIFORNIA CLOSET COMPANY, INC.
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Submission	Answer to Counterclaim
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Date	10/16/2008
Attachments	I5699 Answer to amended cc.pdf (4 pages)(276303 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CALIFORNIA CLOSET COMPANY, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91180462
)	
CHARLES KENWORTHY)	
TERRI KENWORTHY)	
)	
Applicants.)	

**ANSWER TO AMENDED COUNTERCLAIM/PETITION FOR CANCELLATION OF
U.S. TRADEMARK REGISTRATION NOS. 1915339, 2853226 AND 3168301**

Opposer California Closet Company, Inc., hereby answers the amended counterclaim for cancellation of U.S. Trademark Registration Nos. 1915339, 2853226 and 3168301 (“amended counterclaim”), as follows:

1. Amended counterclaim ¶1 states no allegations to which a responsive pleading is required.
2. California Closet Company, Inc. (“California Closets” or “Opposer”) admits that it is a California corporation, that it filed the present consolidated opposition to applications serial nos. 76670880 and 76670902 on October 31, 2007, and that it has pleaded it owns, and will rely on in the opposition, U.S. Registrations nos. 1915339, 2853226 and 3168301; Opposer denies the remainder of the allegations of ¶2 of the amended counterclaim.
3. California Closets admits that the mark and services identified in its Registration No. 1915339 are as stated in ¶3 of the amended counterclaim.

4. California Closets admits that the Class 37 and Class 42 services identified in its Registration No. 2853226 are as stated in ¶4 of the amended counterclaim; Opposer denies the remainder of the allegations of ¶4 of the amended counterclaim.

5. California Closets admits that the mark and services identified in its Registration No. 3168301 are as stated in ¶5 of the amended counterclaim.

6. California Closets denies the allegations of ¶6 of the amended counterclaim.

7. California Closets denies the allegations of ¶7 of the amended counterclaim.

8. [There is no ¶8 of the amended counterclaim.]

9. California Closets denies the allegations of ¶9 of the amended counterclaim.

10. California Closets admits the allegations of ¶10 of the amended counterclaim.

11. California Closets admits the allegations of ¶11 of the amended counterclaim.

12. California Closets denies the allegations of ¶12 of the amended counterclaim.

13. California Closets denies that the declaration submitted was “sworn”; California Closets admits the remainder of the allegations of ¶13 of the amended counterclaim.

14. California Closets denies the allegations of ¶14 of the amended counterclaim.

15. California Closets denies the allegations of ¶15 of the amended counterclaim.

16. California Closets denies the allegations of ¶16 of the amended counterclaim.

17. California Closets denies the allegations of ¶17 of the amended counterclaim.

18. California admits that on July 14, 2003 it filed an application which was designated serial no. 76/529,192, and that Class 35, 37 and 42 services were recited in the application; California Closets denies the remainder of the allegations of ¶18 of the amended counterclaim.

19. California Closets admits the allegations of ¶19 of the amended counterclaim.

20. California Closets denies the allegations of ¶20 of the amended counterclaim.
21. California Closets denies the allegations of ¶21 of the amended counterclaim.
22. California Closets denies the allegations of ¶22 of the amended counterclaim.
23. California Closets denies the allegations of ¶23 of the amended counterclaim.

AFFIRMATIVE DEFENSES

24. The amended counterclaim fails to state any claims for which relief may be granted.
25. Applicants are estopped to bring and/or maintain the amended counterclaim due to laches, acquiescence and/or unclean hands.

WHEREFORE, Opposer California Closets, Inc. prays that:

- A. judgment be entered herein in favor of Opposer and against Applicants on each of the claims of Applicants' amended counterclaim for cancellation; and
- B. the amended counterclaim for cancellation be dismissed with prejudice in its entirety.

CALIFORNIA CLOSET COMPANY, INC.

Dated: October 16, 2008

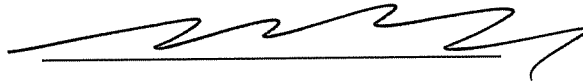
By: 

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2008, the foregoing Answer to Amended Counterclaim/Petition for Cancellation of U.S. Registration Nos. 1915339, 2853226 and 3168301 was served on Applicants by mailing same, first class and postage prepaid, to the following:

Daniel M. Cislo
Cislo & Thomas LLP
1333 2nd Street
Suite 500
Santa Monica, CA 90401

A handwritten signature in black ink, consisting of a series of stylized, connected loops and a final downward stroke.